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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/683,627

10/10/2003

Wojciech Kurek

33692.03.1358

1829

23418 7590 10/03/2008
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EXAMINER

MILORD, MARCEAU

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

10/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/683,627	Applicant(s) KUREK ET AL.	
	Examiner Marceau Milord	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8,12,13,18-21,24 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-4,9-11,14-16,22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 9-11, 14-16, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ho et al (US Patent No 6717924 B2) in view of Hwang et al (US Patent No 7184419 B2).

Regarding claims 1-2, Ho et al discloses a communication circuit operative to update an active link set list in a wireless communication system (figs. 1-4) comprising: candidate reference link determination circuitry operative to receive an active link set update message (step 240 of fig. 2) and in response (col. 2, lines 40-64; col. 6, line 58-col. 7, line 10), to create a candidate list of reference links based on the active link set list and the received active link set update message (col. 3, lines 1-22; col. 7, lines 11-32; col. 8, lines 21-46).

However, Ho et al does not specifically disclose steps of using a reference link determination circuitry operative to receive an active link set update message and in response, to create a candidate list of reference links based on the active link set list and the received active link set

update message; wherein the candidate reference link determination circuitry is operative to create the candidate list of reference links based on at least an indication in the received active link set update message to retain links from the active link set list.

On the other hand, Hwang et al, from the same field of endeavor, discloses the features of a candidate reference link determination circuitry that is operative to create the candidate list of reference links based on at least an indication in the received active link set update message to retain links from the active link set list (col. 10, lines 8-31; col. 9, lines 25-62; figs. 7-8; col. 13, lines 33-67; col. 14, lines 1-31; col. 14, line 35-col. 15, line 13).

Hwang et al discloses a method for controlling a handover using an uplink synchronous transmission scheme in a mobile communication system in which a first base station and a second base station are controlled by a radio network controller. This technique resets a radio link on the basis of the information for the uplink synchronous transmission; and adjusts an uplink synchronous timing controlled by a base station on the basis of the reset radio link to the uplink synchronous timing of another base station (col. 6, lines 39-64; col. 7, lines 33-59). It means that the target base station creates a list of links from the active link set list that can be retained. The target base station also determines the links to be removed from the active link set list (col. 10, lines 8-31; col. 9, lines 25-62). Furthermore, the target base station activates the radio link of the mode on the basis of the radio link reconfiguration commit message (col. 12, lines 12-61). In addition, the target base station reconfigures the radio link on the basis of the radio link reconfiguration prepare message and transmits a radio link reconfiguration ready message to the radio network controller. At this time, the synchronous mode of the radio link of the target base station is selected by the USTS mode. The radio network controller transmits the

radio link reconfiguration ready message to the source base station (figs. 7-8; col. 13, lines 33-67; col. 14, lines 1-31; col. 14, line 35-col. 15, line 13). It is clear that Hwang et al discloses a reference link determination that creates a candidate list of reference links that is based both on an active link set and based on the received active link set update message (see figs. 7-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Hwang to the communication system of Ho in order to provide a method of controlling a handover using an uplink synchronous transmission scheme.

Regarding claim 4, Ho et al discloses a communication circuit operative to update an active link set list in a wireless communication system (figs. 1-4), wherein the candidate reference link determination circuitry is operative to update the active link set list based on at least the received active link set update message (step 240 of fig. 2) and in response (col. 2, lines 40-64; col. 6, line 58-col. 7, line 10).

Regarding claims 9-11, Ho et al discloses a wireless device operative to update an active link set list in an asynchronous wireless communication system (figs. 1-4) comprising: a transceiver (12A-12 D of fig. 1) operative to receive an active link set update message (col. 2, lines 40-64; col. 6, line 58-col. 7, line 10); a candidate reference link determination circuitry (14a-14C; col. 5, line 60-col. 6, line 9), operatively coupled to the transceiver operative to receive an active link set update message (col. 3, lines 1-22; col. 7, lines 11-32; col. 8, lines 21-46).

However, Ho et al does not specifically disclose steps of using a determination circuitry to create a candidate list of reference links based on the active link set list and the received active link set update message; and memory, operatively coupled to the candidate reference link

determination circuitry, and operative to store the candidate list of reference links; wherein the candidate reference link determination circuitry is operative to create the candidate list of reference links based on at least an indication in the received active link set update message to retain links from the active link set list.

On the other hand, Hwang et al, from the same field of endeavor, discloses the features of using a determination circuitry to create a candidate list of reference links based on the active link set list and the received active link set update message; and memory, operatively coupled to the candidate reference link determination circuitry, and operative to store the candidate list of reference links; wherein the candidate reference link determination circuitry is operative to create the candidate list of reference links based on at least an indication in the received active link set update message to retain links from the active link set list (col. 10, lines 8-31; col. 9, lines 25-62; figs. 7-8; col. 13, lines 33-67; col. 14, lines 1-31; col. 14, line 35-col. 15, line 13).

Hwang et al discloses a method for controlling a handover using an uplink synchronous transmission scheme in a mobile communication system in which a first base station and a second base station are controlled by a radio network controller. This technique resets a radio link on the basis of the information for the uplink synchronous transmission; and adjusts an uplink synchronous timing controlled by a base station on the basis of the reset radio link to the uplink synchronous timing of another base station (col. 6, lines 39-64; col. 7, lines 33-59). It means that the target base station creates a list of links from the active link set list that can be retained. The target base station also determines the links to be removed from the active link set list (col. 10, lines 8-31; col. 9, lines 25-62). Furthermore, the target base station activates the radio link of the mode on the basis of the radio link reconfiguration commit message (col. 12,

lines 12-61). In addition, the target base station reconfigures the radio link on the basis of the radio link reconfiguration prepare message and transmits a radio link reconfiguration ready message to the radio network controller. At this time, the synchronous mode of the radio link of the target base station is selected by the USTS mode. The radio network controller transmits the radio link reconfiguration ready message to the source base station (figs. 7-8; col. 13, lines 33-67; col. 14, lines 1-31; col. 14, line 35-col. 15, line 13). It is clear that Hwang et al discloses a determination circuitry to create a candidate list of reference links based on the active link set list and the received active link set update message; and memory, operatively coupled to the candidate reference link determination circuitry, and operative to store the candidate list of reference links (see figs. 7-8, fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Hwang to the communication system of Ho in order to provide a method of controlling a handover using an uplink synchronous transmission scheme.

Regarding claims 14-16, Ho et al discloses a method for updating an active link set list in an asynchronous wireless communication system (figs. 1-4), the method comprising: receiving an active link set message (col. 2, lines 40-64; col. 6, line 58-col. 7, line 10).

However, Ho et al does not specifically disclose the steps of creating a candidate list of reference links based on the active link set update message and the active link set list; wherein creating the candidate list of reference links further includes creating a list of links to be retained from the active link set list.

On the other hand, Hwang et al, from the same field of endeavor, discloses the steps of creating a candidate list of reference links based on the active link set update message and the

active link set list; wherein creating the candidate list of reference links further includes creating a list of links to be retained from the active link set list (col. 10, lines 8-31; col. 9, lines 25-62; figs. 7-8; col. 13, lines 33-67; col. 14, lines 1-31; col. 14, line 35-col. 15, line 13).

Hwang et al discloses a method for controlling a handover using an uplink synchronous transmission scheme in a mobile communication system in which a first base station and a second base station are controlled by a radio network controller. This technique resets a radio link on the basis of the information for the uplink synchronous transmission; and adjusts an uplink synchronous timing controlled by a base station on the basis of the reset radio link to the uplink synchronous timing of another base station (col. 6, lines 39-64; col. 7, lines 33-59). It means that the target base station creates a list of links from the active link set list that can be retained. The target base station also determines the links to be removed from the active link set list (col. 10, lines 8-31; col. 9, lines 25-62). Furthermore, the target base station activates the radio link of the mode on the basis of the radio link reconfiguration commit message (col. 12, lines 12-61). In addition, the target base station reconfigures the radio link on the basis of the radio link reconfiguration prepare message and transmits a radio link reconfiguration ready message to the radio network controller. At this time, the synchronous mode of the radio link of the target base station is selected by the USTS mode. The radio network controller transmits the radio link reconfiguration ready message to the source base station (figs. 7-8; col. 13, lines 33-67; col. 14, lines 1-31; col. 14, line 35-col. 15, line 13). It is clear that Hwang et al discloses a reference link determination that creates a candidate list of reference links that is based both on an active link set and based on the received active link set update message (see figs. 7-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply the technique of Hwang to the communication system of Ho in order to provide a method of controlling a handover using an uplink synchronous transmission scheme.

Regarding claims 22-23, Ho et al discloses a memory (figs. 1-2) comprising instructions executable by one or more processing devices (12A-12D of fig. 1; these mobile phones contain memory device) that cause the one or more processing devices to: receive an active link set message (col. 3, lines 1-22; col. 7, lines 11-32; col. 8, lines 21-46).

However, Ho et al does not specifically disclose the steps of creating a candidate list of reference links based on the active link set update message and the active link set list; and a list of links to be removed from the active link set list, and a list of links to be retained from the active link set list, in response to the received active link set update message.

On the other hand, Hwang et al, from the same field of endeavor, discloses the steps of creating a candidate list of reference links based on the active link set update message and the active link set list; wherein creating the candidate list of reference links further includes creating a list of links to be retained from the active link set list (col. 10, lines 8-31; col. 9, lines 25-62; figs. 7-8; col. 13, lines 33-67; col. 14, lines 1-31; col. 14, line 35-col. 15, line 13).

Hwang et al discloses a method for controlling a handover using an uplink synchronous transmission scheme in a mobile communication system in which a first base station and a second base station are controlled by a radio network controller. This technique resets a radio link on the basis of the information for the uplink synchronous transmission; and adjusts an uplink synchronous timing controlled by a base station on the basis of the reset radio link to the uplink synchronous timing of another base station (col. 6, lines 39-64; col. 7, lines 33-59). It means that the target base station creates a list of links from the active link set list that can be

retained. The target base station also determines the links to be removed from the active link set list (col. 10, lines 8-31; col. 9, lines 25-62). Furthermore, the target base station activates the radio link of the mode on the basis of the radio link reconfiguration commit message (col. 12, lines 12-61). In addition, the target base station reconfigures the radio link on the basis of the radio link reconfiguration prepare message and transmits a radio link reconfiguration ready message to the radio network controller. At this time, the synchronous mode of the radio link of the target base station is selected by the USTS mode. The radio network controller transmits the radio link reconfiguration ready message to the source base station (figs. 7-8; col. 13, lines 33-67; col. 14, lines 1-31; col. 14, line 35-col. 15, line 13). It is clear that Hwang et al discloses a reference link determination that creates a candidate list of reference links that is based both on an active link set and based on the received active link set update message (see figs. 7-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Hwang to the communication system of Ho in order to provide a method of controlling a handover using an uplink synchronous transmission scheme.

Allowable Subject Matter

3. Claims 12-13, 18-19, 20-21, 24-25, 6-8 are allowed.

Response to Arguments

4. Applicant's arguments with respect to claims 1-4, 9-11, 14-16, 22-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. M./

Primary Examiner, Art Unit 2618

/Marceau Milord/

Primary Examiner, Art Unit 2618

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